



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: 1450 BRADLEY PARKWAY FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,451	10/24/2000	Brenda F. Baker	ISPH-0518	2604
7590	01/15/2004		EXAMINER	
Jane Massey Licata Law Offices Of Jane Massey Licata 66 E Main Street Marlton, NJ 08053			SCHULTZ, JAMES	
			ART UNIT	PAPER NUMBER
			1635	

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Responsive Amendment

The amendment filed on November 4, 2003 amending claim 1, and by dependency all remaining claims drawn to the elected invention (antisense targeting nucleobases 727 to 1310 of SEQ ID NO: 3), such that all of the instant claims are drawn to multiple non-elected sequences is non-responsive (MPEP § 821.03). The claims are not readable on the elected invention because the multiple regions now claimed by applicant are distinct from each other and impose a search burden on the Office to search the multiple sequences of applicants newly claimed invention.

Applicants were required to elect one sequence in the restriction requirement dated October 1, 2002. In applicant's response dated October 31, 2002, applicants amended claim 1 to recite only the broad target of SEQ ID NO: 1. Said amendment was considered to be responsive to the restriction requirement mailed October 1, 2002, because only one sequence was recited in said claims. However, applicants instant amendment, directed to multiple specific regions of SEQ ID NO: 1 referred to by nucleobase, effectively claims multiple and distinct targets, each requiring a different search, because a search for one region does not reveal art against another, and furthermore, a search for art against the whole target of the originally claimed target of SEQ ID NO: 3 does not result in a complete and exhaustive list of all art directed against all of applicants newly defined regions. Therefore, because the entirety of applicants' response is dependent on claims encompassing multiple distinct target regions, said response is not considered to be responsive.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in

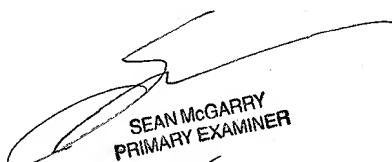
order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Douglas Schultz whose telephone number is 703-308-9355. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John L. LeGuyader can be reached on 703-308-0447. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

James Douglas Schultz, PhD
January 5, 2004


SEAN McGARRY
PRIMARY EXAMINER
1635